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**NOTICE OF PROPOSED ACTION  
TO  
BUILDING STANDARDS  
OF THE  
OFFICE OF STATEWIDE HEALTH PLANNING AND DEVELOPMENT  
  
REGARDING THE CALIFORNIA MECHANICAL CODE  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 4  
  
2007 Triennial Code Adoption  
Adoption of the 2006 Uniform Mechanical Code**

Notice is hereby given that the California Building Standards Commission (CBSC) on behalf of Office of Statewide Health Planning and Development proposes to adopt, approve, codify, and publish changes to building standards contained in the California Code of Regulations (CCR), Title 24, Part 4. The OSHPD is proposing building standards related to the adoption of the 2006 Uniform Mechanical Code for incorporation in to the 2007 California Mechanical Code.

**PUBLIC COMMENT PERIOD**

The California Building Standards Commission on behalf of [STATE AGENCY NAME] will hold a public hearing at [TIME], on [DATE] at [ADDRESS], during which time any person may present statements or arguments relevant to the proposed regulatory action summarized below.

Written comments will be accepted by the California Building Standards Commission regarding the proposed changes from [DATE] until [TIME] on [DATE].

Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

**OR**

A public hearing has not been scheduled; however, written comments will be accepted from [DATE], until [TIME] on [DATE]. Please address your comments to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833  
Attention: Stanley T. Nishimura, Executive Director

Written Comments may also be faxed to (916) 263-0959 or E-mailed to [CBSC@dgs.ca.gov](mailto:CBSC@dgs.ca.gov).

Pursuant to Government Code Section 11346.5 (a) 17, any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, that a public hearing be held.

## **POST-HEARING MODIFICATIONS TO THE TEXT OF THE REGULATIONS**

Following the public comment period, the CBSC may adopt the proposed building standards substantially as proposed in this notice or with modifications that are sufficiently related to the original proposed text and notice of proposed changes. If modifications are made, the full text of the proposed modifications, clearly indicated, will be made available to the public for at least 15 days prior to the date on which the CBSC adopts, amends, or repeals the regulation(s). CBSC will accept written comments on the modified building standards during the 15-day period.

NOTE: To be notified of any modifications, you must submit written/oral comments or request that you be notified of any modifications.

## **AUTHORITY AND REFERENCE**

The California Building Standards Commission proposes to adopt these building standards under the authority granted by Health and Safety Code Section 18949.3. The purpose of these building standards is to implement, interpret, and make specific the provisions of Health and Safety Code Section 129850. The OSHPD is proposing this regulatory action based on Health and Safety Code Sections 1226, 1275, 18928, 18929, 129790 and 129850 and Government Code Section 11152.5.

## **INFORMATIVE DIGEST**

### Summary of Existing Laws

Health and Safety Code Section 1226 authorizes the Office to prescribe, in consultation with the Community Clinics Advisory Committee, minimum building standards for the physical plant of clinics, for adoption in the California Building Standards Code.

Health and Safety Code Section 1275 authorizes the Office to adopt and enforce building standards for the physical plant of health facilities including hospitals, skilled nursing facilities and correctional treatment centers.

Health and Safety Code Section 18928 authorizes state agencies to adopt the most recent edition of model code, as amended or proposed to be amended by the agency, within one year of the publication date of that model code.

Health and Safety Code Section 18929 mandates that building standards or administrative regulations that directly apply to the implementation or enforcement of building standards must be submitted by the adopting agency to the California Building Standards Commission for the Commission's approval and must be adopted pursuant to Health and Safety Code Section 18930 and the Government Code (commencing with Section 11346).

Health and Safety Code Section 18949.3 mandates that the responsibilities of the Office to adopt building standards, including but not limited to, the responsibilities specified under the Alfred E. Alquist Hospital Facilities Seismic Safety Act (commencing with Section 129765) be transferred to the California Building Standards Commission.

Health and Safety Code Section 129790 authorizes the Office to propose building standards for correctional treatment centers in cooperation with the Department of Corrections, Board of Corrections and Department of Youth Authority.

Health and Safety Code Section 129850 authorizes the Office to propose building standards, as necessary, in order to carry out the requirements of the Alfred E. Alquist Hospital Facilities Seismic Safety Act. The Office is also authorized to submit to the California Building Standards Commission for approval and adoption of building standards related to the seismic safety of hospital buildings.

Government Code Section 11152.5 authorizes a state department to adopt regulations pursuant to the Government Code. Regulations which are building standards must be adopted pursuant to State Building Standards Law of the Health and Safety Code (commencing with 18901).

#### Summary of Existing Regulations

The OSHPD currently enforces the California Code of Regulations, Title 24, Part 4, 2001 California Mechanical Code which is based on the 2000 Uniform Mechanical Code with California amendments. OSHPD enforces requirements related to the construction of hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers.

#### Summary of Effect

The propose action is to adopt the 2006 Uniform Mechanical Code for incorporation, by reference, into the 2007 California Mechanical Code and to carry forward existing California amendments related to hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers and to make minor technical modifications for clarification and consistency within the code. Amendments are summarized below.

- Requirements of Section 407.4.1.3 are being amended to provide an exception regarding air supply being conveyed from corridors. The amendments will permit air from fire resistive corridors to serve toilet rooms up to 50 square feet. The current provision allows this for small rooms of up to 30 square feet; however, toilet rooms must be accessible to persons of disabilities. This amendment will accommodate accessibility requirements.
- Provisions are being amended to clarify that dry-stream type humidifiers may be installed downstream of the "final" filter bank, instead of filter bank No. 2, which is the current requirement. Hospitals are currently required to have one, two or three filter banks depending on the designation/use of the room. This amendment will clarify that no matter how many filter banks are in the ventilation system these humidifiers may be located downstream of the last filter bank.
- Provisions are being amended to add an additional ASHRAE standard for rating the efficiencies of air filters called "Minimum Efficiency Reporting Value" (MERV).
- Various changes were made to Table 4-A Pressure Relationships and Ventilation Requirements for health facilities for consistency with the California Building Code and coordination with the AIA Guidelines.
- Requirement for ventilating ceiling for health facilities is being amended to indicate that the enforcement of the requirement applies to licensed clinics. Currently this provision is enforced for hospitals, skilled nursing facilities and correctional treatment centers.
- Other proposed amendments are editorial changes that renumber or relocate existing amendments to accommodate the formatting changes in the 2006 UMC.

#### Comparable Federal Statute or Regulations

There is no federal statute or regulations related to this proposed action.

#### Policy Statement Overview

The intent of this proposal is to adopt the most recent model code requirements for health facility construction, pursuant to Health and Safety Code Section 18928. The OSHPD is responsible for the development of regulations regarding the physical plant for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. Additionally, OSHPD is responsible for amending model code requirements for these health facilities, as necessary.

**OTHER MATTERS PRESCRIBED BY STATUTE APPLICABLE TO THE AGENCY OR TO ANY SPECIFIC REGULATION OR CLASS OF REGULATIONS**

There are no other matters to identify.

**MANDATE ON LOCAL AGENCIES OR SCHOOL DISTRICTS**

The OSHPD has determined that the proposed regulatory action would not impose a mandate on local agencies or school districts.

**ESTIMATE OF COST OR SAVINGS**

- A. Cost or Savings to any state agency: **Yes**
- B. Cost to any local agency required to be reimbursed under Part 7(commencing with Section 17500) of Division 4: **No**
- C. Cost to any school district required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4: **No**
- D. Other nondiscretionary cost or savings imposed on local agencies: **Yes**
- E. Cost or savings in federal funding to the state: **Yes**

Estimate: The amendment to Section 407.4.1.3 that will permit air from fire resistive corridors to serve toilet rooms up to 50 square feet would be a cost savings for hospitals, skilled nursing facilities, licensed clinics and correctional treatment centers. The savings would be up to \$2,900 per toilet room as the initial air duct and outlet material, fire/smoke damper, installation, air balancing, etc. would not be required pursuant to this amendment. Energy costs would also be reduced on average approximately \$75.00 per year per toilet room.

**INITIAL DETERMINATION OF NO SIGNIFICANT STATEWIDE ADVERSE ECONOMIC IMPACT ON BUSINESSES**

The OSHPD has made an initial determination that the adoption/amendment/repeal of this regulation will not have a significant statewide adverse economic impact on businesses, including the ability of California businesses to compete with business in other states.

**DECLARATION OF EVIDENCE**

The OSHPD has not relied on any other facts, evidence, documents, testimony or other evidence to make its initial determination of no statewide adverse economic impact. The scope of the proposed action is to adopt the most recent model code pursuant to statutory requirements and to carry forward existing California amendments from the 2001 California Mechanical Code and to make minor modifications, as necessary.

**FINDING OF NECESSITY FOR THE PUBLIC'S HEALTH, SAFETY, OR WELFARE**

A report applicable to businesses is not required by these regulations.

**COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS**

The OSHPD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

## **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

The OSHPD has assessed whether or not and to what extent this proposal will affect the following:

The creation or elimination of jobs within the State of California.

These regulations will have no affect.

The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will have no affect.

The expansion of businesses currently doing business with the State of California.

These regulations will have no affect.

## **INITIAL DETERMINATION OF SIGNIFICANT EFFECT ON HOUSING COSTS**

The OSHPD has made an initial determination that this proposal would not have a significant effect on housing costs.

## **CONSIDERATION OF ALTERNATIVES**

The OSHPD must determine that no reasonable alternative considered by the state agency or that has otherwise been identified and brought to the attention of the agency would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

## **AVAILABILITY OF RULEMAKING DOCUMENTS**

All of the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public review, by contacting the person named below. This notice, the express terms and initial statement of reasons can be accessed from the California Building Standards Commission website:

<http://www.bsc.ca.gov/>

Interested parties may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or at the California Building Standards Commission website.

## **CBSC CONTACT PERSON FOR PROCEDURAL AND ADMINISTRATIVE QUESTIONS**

General questions regarding procedural and administrative issues should be addressed to:

**[Insert name of assigned CBSC staff person and back-up person]  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833**

**Telephone No.: (916) 263-0916  
Facsimile No.: (916) 263-0959**

**PROPOSING STATE AGENCY CONTACT PERSON FOR SUBSTANTIVE AND/OR TECHNICAL  
QUESTIONS ON THE PROPOSED CHANGES TO BUILDING STANDARDS**

Specific questions regarding the substantive and/or technical aspects of the proposed changes to the building standards should be addressed to:

Duane Borba, Supervisor, Health Facilities Review  
Office of Statewide Health and Development  
Facilities Development Division  
1600 Ninth Street, Room 420  
Sacramento, CA 95814

regsunit@oshpd.ca.gov  
(916) 654-3139  
FAX (916) 653-2973